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contingent with a view of relief.

The point submitted for our decision in this case is, whether the vendor of *household estates* in lands, has an equitable lien on the estate in the hands of the purchaser for the unpaid purchase money.

We are unable to discover any reason why the general rules applicable to the sale of real estate, should be made to depend on the *quantity of interest*, which the vendor has in the land.

This principle upon which

And Judge Story further says, that by the Roman law, from which the doctrine has its origin, it was equally applied to *immovable* as to *movable* property, and the close analogy, if not identity, between the two, is manifest from the doctrine of the *lex*, of the vendor, viz. that of the Roman law of privilege, on the same sub-

fact seems to demonstrate a common origin; although in England the lien is ordinarily confined to cases of immovables.

Sir Edward Sugden, in his treatise on vendors, 2d vol. p. 63, says when a vendor delivers possession of an estate to a purchaser without receiving the purchase money—equity—whether the estate be, or be not conveyed, and although there was not any special agreement for that purpose, and whether the estate be freehold or copyhold gives the vendor a lien on the land for the money; and he subsequently cites and comments on the case of *Elliot v. Edwards*, at p. 72 cited from 3d Bos and Pul.

181, where the vendor has assigned a leasehold estate to the purchaser upon payment of part of the purchase money, and Lord Alvanley was of opinion that the vendor had an equitable lien.

No question, however, is made either by Mr. Sugden or by Lord Alvanley, as to whether there was any distinction in this respect between the sale of land, and the assessment of a leasehold interest therein.

The case of *Matthew vs. Bonler*, 81 Eng. ch. R. p. 116, was the case of a sale and assignment of a life interest in leasehold, and it was held that the vendor was entitled to a lien

on the life estate in the lease-holds, which was the subject of the assignment, for the weekly payment to the purchaser, covenanted to be made.

These are the only cases or *dicta* which have been cited by counsel on which we have been able to find, where the question has occurred.

Perceiving no reason for the distinction set up, we think the answer should have been overruled.

No error, in the decree is perceived, and cause remanded for further proceedings.

**Effects of the Military Bill.**

The New York Tribune gives the Radical view of the effects of this bill, thus:

"The immediate responsibility now rests with the President, and after him with the Southern States. He may veto the bill, and they may refuse its offers. But should it become a law, the effects will be these:

I. The Rebel States will retain their

present governments, but merely as provisional governments, under which no person who, as the third section of the Constitutional Amendment enacts, "having taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as executive or judicial officer of any State to support the Constitution of the United States," shall have aided the rebellion, is eligi-

ble to office. And also under such governments no discrimination in regard to color shall be made in the elective franchise.

**II.** While these provisional governments exist, the Rebel States are to be divided into military districts, governed by officers of the army, with power to organize military courts superior to State authority.

III. The people of the rebel States, whenever they are tired of this government, may, by a vote of all their citizens, without respect to color, except those disqualified from holding office by the Constitutional Amendment, elect delegates to a Convention to form State Constitutions. When these Constitutions are established upon the basis of impartial suffrage, and are ratified by the people, and when the States thus organized

have adopted the Constitutional Amendment, they shall be admitted to representation in Congress, when military rule will cease, and South Carolina and Texas will hold the same places in the Union as New York and Massachusetts. Nor is there want of cause to hope that this result may soon be reached, for those provisions of the bill which at once establish impartial suffrage

make the freedmen equal participants in the work."

ed. The case of the same nature against Col. Ashley was continued to the next term of the court. This and that against Hon. W. H. Sneed, say the Nashville Union.

we believe are the only cases remaining on the docket of that court. Judge Swan, who has heretofore been more inclined than any other to charge the law as to secure convictions in the

At last accounts the Virginia Senate was in secret session, considering the subject of calling a State Convention. The results have not been made known.